

Docket No. 1610-82

Appln. No. 09/800,463  
Amendment  
Response to Office Action dated August 12, 2003

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated August 12, 2003. This amendment is accompanied by a Request for Retroactive Extension of Time of one month, and the appropriate fee therefor. These amendments are also presented following the helpful telephone interview between Examiner Wang and Sarah E. Smith (Registration No. 50,488) on December 8, 2003. The foregoing amendments to the claims were discussed during the telephone interview.

At the time of the Office Action, claims 1-3 and 6-17 were pending in the application. In the Office Action, claims 1-3 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,120,787 to Gustafsson et al. ("Gustafsson"). Claims 1-3 and 6-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gustafsson. In particular, the Office Action asserted that the core materials in the claims of the present application read on to the core materials disclosed in Gustafsson. Gustafsson relates to a sustained release drug delivery system for parenteral administration, and Applicant has amended the claims herein to remove the term "excipients" in order to clarify that the claimed product is a cosmetic product, and not a drug delivery system. As discussed previously, the coating of the cosmetic product of the present invention reacts with the skin to give a cosmeceutical effect, whereas in Gustafsson the coating is designed to hinder release of the active core once injected into a patient. Thus, the claims of the present application are not taught or suggested by Gustafsson.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the

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foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance  
of the pending claims.

Respectfully submitted,

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